IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2955 of 2005

Between:

K. Venkat Reddy, S/o. K. Raji Reddy,
Ex. Gram Sarpanch, Sarvapoor Village, Malliah Mandla Kareemnagar District.

..... PETITIONER

AND

The Mandal Revenue Officer, Malliah Mandal, Kareemnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the respondent not to take any further action consequent to the issuance of the impugned notices bearing No. A/33 2005 dt. 27-1-2005 and consequently declare the impugned notice of the respondent as illegal and without jurisdiction and set aside the same and pass such other order or orders as this Hon'ble Court deems fit and proper under the circumstances of the case Hyderabad.

Counsel for the Petitioner: MR.K.ANANTHA RAO

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

Sri Sugunakar Reddy, son of the petitioner herein, was appointed as a fair price shop dealer in respect of Sarvapur Vilage, Kareemnagar District. The petitioner

states that his son went to gulf countries in search of employment and livelihood and in the absence of his son, his daughter-in-law is running the fair price shop.

On 27.01.2005, the Mandal Revenue Officer, Mallial Mandal, the respondent herein issued a notice to the petitioner directing him to explain as to the basis on which he is distributing the essential commodities. The petitioner has submitted the explanation stating that he is not running the fair price shop and that his daughter-in-law is running on behalf of her husband. The petitioner apprehends action and had approached this Court.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Basically, it is for the appointing authority viz., the Revenue Divisional Officer, to issue show cause notice to any dealer, in case any irregularities are noticed. It is true that if an unauthorized person is running the fair price shop, the Mandal Revenue Officer can seek an explanation. No exception can be taken to the notice issued by the respondent to the petitioner. However, since it is stated that the actual dealer is in gulf countries and the shop is being run by his wife, the matter cannot be treated as so serious to warrant any immediate punitive action. At the same time, this Court cannot interdict any proceedings for taking appropriate action, if the shop is being run benami.

Taking the totality of the circumstances into account, the writ petition is disposed of, directing that in case the original dealer does not return and start running the fair price shop by the end of April, 2005, it shall be open to the respondent as well as the concerned Revenue Divisional Officer to terminate the dealership and to appoint another dealer on regular basis in the place of the existing dealer. There shall be no order as to costs.

_____

23.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu
To

1.The Mandal Revenue Officer, Malliah Mandal, Kareemnagar District

2. 2 CCs to the G.P. for Civil supplies, High court Buildigns, Hyderabad. (OUT)

3 2 CD copies